

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

ANTOINE L. GRAHAM,)
v.)
Plaintiff,)) NO. 7:16-CV-257-D
)
ANTHONY J. BERNARD, in his individual and official capacity;)
JAMES A. MAROLDT, in his individual and official capacity;)
MICHAEL A. FIKE, in his individual and official capacity;)
JASON M. SPIVEY, in his individual and official capacity;)
BRIAN D. MEDLIN, in his individual and official capacity;)
JOSEPH M. CHERRY, in his individual and official capacity;)
JOHN A. ROGERS, in his individual and official capacity;)
LARRY D. BRANCH, in his individual and official capacity;)
BRUNSWICK COUNTY SHERIFF JOHN W. INGRAM, in his)
individual and official capacity; and JOHN/JANE DOES 1-5,)
)
Defendants.)

JERRY O. MELVIN,)
v.)
Plaintiff,)) NO. 7:16-CV-275-D
)
ANTHONY J. BERNARD, in his individual and official capacity;)
JAMES A. MAROLDT, in his individual and official capacity;)
MICHAEL A. FIKE, in his individual and official capacity;)
JASON M. SPIVEY, in his individual and official capacity;)
BRIAN D. MEDLIN, in his individual and official capacity;)
JOSEPH M. CHERRY, in his individual and official capacity;)
JOHN A. ROGERS, in his individual and official capacity;)
LARRY D. BRANCH, in his individual and official capacity;)
BRUNSWICK COUNTY SHERIFF JOHN W. INGRAM, in his)
individual and official capacity; and JOHN/JANE DOES 1-5,)
)
Defendants.)

JOINT STIPULATION AND CONSENT ORDER FOR PRODUCTION OF
STATE BUREAU OF INVESTIGATION FILE

Plaintiffs, Defendants, and the North Carolina State Bureau of Investigation (hereinafter "SBI") stipulate to the entry of this Joint Stipulation and Consent Order allowing release of the SBI File No. 2013-01164 (1001), regarding the investigation of Plaintiffs' allegations of deprivation of Fourth and Fourteenth Amendment rights (1) against unreasonable seizure/restraint, (2) to life, safety, and personal security, and (3) deliberate indifference to constitutional rights as policy-maker (Sheriff Ingram only); assault and battery; negligence and willful and wanton conduct; and malicious prosecution, to counsel for Plaintiffs and for Defendants.

Counsel for the parties and counsel for the SBI further stipulate and agree to the following statements of facts, which authorize this Court's entry of the Joint Stipulation and Consent Order:

1. The SBI file material is relevant to the subject matter involved in the cases before this Court.

2. Counsel for the SBI, after reviewing this file and related documents, has determined that she has no objection to turning over the SBI file material requested to counsel for Plaintiffs and Defendants in response to the parties' request for the following reasons:

A. No policy reasons exist for denial of the parties' request for production of these materials;

B. There is no prejudice to the SBI by releasing this material;

C. There are no identities of persons contained in the materials which need to be protected;

D. Any criminal investigation which might have been the subject of this SBI file has been concluded; and

E. The interests of the State of North Carolina are not prejudiced in any way by the release of these materials to counsel for Plaintiffs and Defendants.

3. Except as may be otherwise provided by further Order of the Court, documents contained within the SBI file produced pursuant to this Joint Stipulation and Consent Order shall be used for no purpose other than prosecuting or defending this action and shall be disclosed only to the persons identified in paragraph 4 below.

4. Access to and the use of any documents, or any part thereof, of the SBI file shall be limited to:

- A. the Court;
- B. the parties and attorneys of record for the parties;
- C. court-appointed mediators;
- D. consultants and technical experts involved in the preparation of this action;
- E. court reporters, their transcribers, assistants, and employees;
- F. any potential or actual deposition or trial witness to the extent that it is necessary to tender to such witness as an exhibit a confidential document in order to elicit testimony relevant to the matters at issue in this case; and
- G. the jury.

5. Counsel may make copies of the SBI file material for Plaintiffs' or Defendants' experts upon receiving from said experts a written agreement that they will be bound by the terms of this Joint Stipulation and Consent Order. The requirement of obtaining such an agreement shall be satisfied by having each of Plaintiffs' or Defendants' experts read, acknowledge, and agree in writing to be bound by this Joint Stipulation and Consent Order. A file of all such written acknowledgments shall be maintained by Plaintiffs' and/or Defendants' counsel. By signing the declaration agreeing to be bound by this Joint Stipulation and Consent

Order, each of Plaintiffs' or Defendants' experts submits himself or herself to the jurisdiction of this Court for purposes of enforcement of this Joint Stipulation and Consent Order.

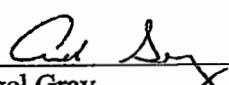
6. Individuals who are permitted access to the SBI materials pursuant to paragraph 4 are hereby ordered not to show, convey, or reproduce any documents so designated or parts thereof, or copies thereof, or any matter contained therein, or any extracts or summaries thereof, to any individual, or to any entity that would not otherwise have access to said documents under the provisions of this Joint Stipulation and Consent Order. The records shall not be further copied in any manner without permission of the Court, and all original and allowed copies thereof shall be returned to the State Bureau of Investigation at the conclusion of this action with a certification that no other copies exist and that all copies have been duly returned in compliance with this Order.

7. At the conclusion of this litigation, each document produced by the SBI pursuant to this Joint Stipulation and Consent Order which is subject to this Joint Stipulation and Consent Order shall be returned to the SBI for destruction.

This the 4 day of November, 2016.


UNITED STATES DISTRICT COURT
JUDGE PRESIDING

AGREED TO:


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